UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS, MIDLAND/ODESSA DIVISION

VIRTAMOVE, CORP., **Plaintiff,** **v.** **GOOGLE LLC,** **Defendant.**	**Case No. 7:24-cv-00033-DC-DTG**

DECLARATION OF DEEPA ACHARYA IN SUPPORT OF DEFENDANT GOOGLE LLC'S MOTION TO TRANSFER VENUE TO THE NORTHERN DISTRICT OF CALIFORNIA UNDER 28 U.S.C. § 1404(a)

I, Deepa Acharya, declare and state as follows:

1.   I am a partner at the law firm of Quinn Emanuel Urquhart & Sullivan, LLP. I am counsel for Defendant Google LLC ("Google") in this action. I make this declaration based on my personal knowledge and investigation of the facts described herein. If called as a witness, I could and would testify competently to the information contained herein.

2.   Attached hereto as **Exhibit 1** is a true and correct copy of VirtaMove's Preliminary Infringement Contentions, served by Plaintiff VirtaMove in this matter on June 26, 2024.

3.   Attached hereto as **Exhibit 2** is a true and correct copy of a Google webpage entitled "How we started and where we are today," identifying Mountain View, California as the Google headquarters, available at https://about.google/intl/ALL_us/our-story/ (last accessed July 9, 2024).

4.   Attached hereto as **Exhibit 3** is a true and correct copy of a Google webpage entitled "Our offices," identifying Google offices in Mountain View, California, San Francisco, California, Sunnyvale, California, Redwood City, California, and San Bruno, California, among others,   available   at   https://about.google/intl/ALL_us/locations/?region=north-america&office=mountain-view (last accessed July 9, 2024).

5.   Attached hereto as **Exhibit 4** is a true and correct copy of a Docker blog post entitled "Au revoir," available at https://www.docker.com/blog/au-revoir/ (last accessed July 9, 2024).

6.   Attached hereto as **Exhibit 5** is a true and correct copy of a Crunchbase profile for Kamel Founadi, available at https://www.crunchbase.com/person/kamel-founadi (last accessed July 9, 2024).

7.   Attached hereto as **Exhibit 6** is a true and correct copy of the LinkedIn profile of

Solomon Hykes (last accessed July 9, 2024).

8.   Attached hereto as **Exhibit 7** is a true and correct copy of the LinkedIn profile of Sebastien Pahl (last accessed July 9, 2024).

9.   Attached hereto as **Exhibit 8** is a true and correct copy of an announcement from the Cloud Native Computing Foundation entitled "containerd jones the Cloud Native Computing Foundation," available at https://www.cncf.io/announcements/2017/03/29/containerd-joins-cloud-native-computing-foundation/ (last accessed July 9, 2024).

10.   Attached hereto as **Exhibit 9** is a true and correct copy of the LinkedIn page for the Cloud Native Computing Foundation, available at https://www.linkedin.com/company/cloud-native-computing-foundation/ (last accessed July 9, 2024).

11.   Attached hereto as **Exhibit 10** is a true and correct copy of the Declaration of Phil Estes In Support of Amazon.com, Inc.'s Motion to Dismiss or Transfer, from *VirtaMove, Corp. v. Amazon.com, Inc. et al*, 7:24-cv-00030-ADA-DTG, Dkt. 38 (W.D. Tex).

12.   Attached hereto as **Exhibit 11** is a true and correct copy of the LinkedIn profile of Derek McGowan, available at https://www.linkedin.com/in/derek-mcgowan-6a750714/ (last accessed July 9, 2024).

13.   Attached hereto as **Exhibit 12** is a true and correct copy of the GitHub profile of Tonis Tiigi, available at https://github.com/tonistiigi (last accessed July 9, 2024).

14.   **Exhibit 13** has been intentionally omitted.

15.   **Exhibit 14** has been intentionally omitted.

16.   Attached hereto as **Exhibit 15** is a true and correct copy of a blog post authored by Rani Osnat entitled "A Brief History of Containers: From the 1970s Till Now," available at https://www.aquasec.com/blog/a-brief-history-of-containers-from-1970s-chroot-to-docker-

2016/#:~:text=2001%3A%20Linux%20VServer,by%20patching%20the%20Linux%20kernel

(last accessed July 9, 2024).

17.   Attached hereto as **Exhibit 16** is a true and correct copy of a blog post authored by Tim Hildred entitled "The History of Containers," available at https://www.redhat.com/en/blog/history-containers (last accessed July 9, 2024).

18.   Attached hereto as **Exhibit 17** is a true and correct copy of the webpage About FreeBSD from the FreeBSD project, available at https://www.freebsd.org/about/ (last accessed July 9, 2024).

19.   Attached hereto as **Exhibit 18** is a true and correct copy of an archived page (retrieved from the Wayback Machine on July 9, 2024) of Sun Microsystem's Press Releases showing an article entitled "SUN ANNOUNCES SOLARIS[tm] 9 OPERATING ENVIRONMENT: WITH OVER 300 NEW FEATURES, CUSTOMERS SAVE MONEY AND TIME" as on June 4, 2002.   The address of the original webpage being captured is http:/www.sun.com:80/smi/Press/sunflash/2002-05/sunflash.20020522.2.html.

20.   Attached hereto as **Exhibit 19** is a true and correct copy of US Provisional Patent Application No. 60/469,558.

21.   Attached hereto as **Exhibit 20** is a true and correct copy of U.S. Patent No. 7,437,556.

22.   Attached hereto as **Exhibit 21** is a true and correct copy of the LinkedIn profile of Andy Tucker (last accessed July 9, 2024).

23.   Attached hereto as **Exhibit 22** is a true and correct copy of the LinkedIn profile of John Beck (last accessed July 9, 2024).

24.   Attached hereto as **Exhibit 23** is a true and correct copy of the LinkedIn profile of

Daniel Price (last accessed July 9, 2024).

25.   **Exhibit 24** has been intentionally omitted.

26.   **Exhibit 25** has been intentionally omitted.

27.   **Exhibit 26** has been intentionally omitted.

28.   Attached hereto as **Exhibit 27** is a true and correct copy of an article authored by David R. Cheriton and entitled "VMTP: A Transport Protocol for the Next Generation of Communication Systems."

29.   Attached hereto as **Exhibit 28** is a true and correct copy of a Forbes profile of David Cheriton, available at https://www.forbes.com/profile/david-cheriton/ (last accessed July 9, 2024).

30.   **Exhibit 29** has been intentionally omitted.

31.   **Exhibit 30** has been intentionally omitted.

32.   Attached hereto as **Exhibit 31** is a true and correct copy of a dissertation by Brian K. Schmidt entitled "Supporting Ubiquitous Computing with Stateless Consoles and Computation Caches," dated August 2000.

33.   Attached hereto as **Exhibit 32** is a true and correct copy of U.S. Patent Application No. 20020133529A1.

34.   Attached hereto as **Exhibit 33** is a true and correct copy of U.S. Patent Application No. 20020138629A1.

35.   Attached hereto as **Exhibit 34** is a true and correct copy of the LinkedIn profile of Brian Schmidt (last accessed July 9, 2024).

36.   Attached hereto as **Exhibit 35** is a true and correct copy of the LinkedIn profile of James (Jim) Hanko (last accessed July 9, 2024).

37.   Attached hereto as **Exhibit 36** is a true and correct copy of a paper by Constantine

P. Sapuntzakis, Ramesh Chandra, Ben Pfaff, Jim Chow, Monica S. Lam, and Mandel Rosenblum entitled "Optimizing the Migration of Virtual Computers" from the Proceedings of the 5th Symposium on Operating Systems Design and Implementation held in Boston, Massachusetts on December 9-11, 2002.

38.   Attached hereto as **Exhibit 37** is a true and correct copy of the LinkedIn profile of Constantine Sapuntzakis (last accessed July 9, 2024).

39.   Attached hereto as **Exhibit 38** is a true and correct copy of the LinkedIn profile of Monica Lam (last accessed July 9, 2024).

40.   Attached hereto as **Exhibit 39** is a true and correct copy of a Stanford University profile for Mendel Rosenblum, available at https://profiles.stanford.edu/mendel-rosenblum (last accessed July 9, 2024).

41.   Attached hereto as **Exhibit 40** is a true and correct copy of the LinkedIn profile of Paul O'Leary (last accessed July 9, 2024).

42.   Attached hereto as **Exhibit 41** is a true and correct copy of the LinkedIn profile of Dean Huffman (last accessed July 9, 2024).

43.   Attached hereto as **Exhibit 42** is a true and correct copy of the LinkedIn profile of Donn Rochette (last accessed July 9, 2024).

44.   Attached hereto as **Exhibit 43** is a true and correct copy of MapDevelopers.com showing the straight line distance and driving distance between Dayton, Ohio and Midland, Texas (last accessed July 9, 2024).

45.   I performed a search for flights from San Francisco International Airport (SFO) to Midland, Texas (MAF). I identified no direct flights from SFO to MAF. The fastest flight I identified had a posted travel time of 4 hours, 14 minutes, including one layover. Attached hereto

as **Exhibit 44** is a true and correct copy of these search results (last accessed July 9, 2024).

46.   I performed a search for flights from Ottawa, Canada (YOW) to San Francisco International Airport (SFO). I identified no direct flights from YOW to SFO. The fastest flight I identified had a posted travel time of 8 hours, 21 minutes, including one layover. Attached hereto as **Exhibit 45** is a true and correct copy of these search results (last accessed July 9, 2024).

47.   I performed a search for flights from Ottawa, Canada (YOW) to Midland, Texas (MAF). I identified no direct flights from YOW to MAF. The fastest flight I identified had a posted travel time of 9 hours, 20 minutes, including two layovers. Attached hereto as **Exhibit 46** is a true and correct copy of these search results (last accessed July 9, 2024).

48.   I performed a search for flights from Cincinnati, Ohio (CVG) to San Francisco International Airport (SFO). I identified one direct flight from CVG to SFO. Attached hereto as **Exhibit 47** is a true and correct copy of these search results (last accessed July 9, 2024).

49.   I performed a search for flights from Columbus, Ohio (CMH) to San Francisco International Airport (SFO). I identified one direct flight from CMH to SFO. Attached hereto as **Exhibit 48** is a true and correct copy of these search results (last accessed July 9, 2024).

50.   I performed a search for flights from Cincinnati, Ohio (CVG) to Midland, Texas (MAF). I identified no direct flights from CVG to MAF. Attached hereto as **Exhibit 49** is a true and correct copy of these search results (last accessed July 9, 2024).

51.   I performed a search for flights from Columbus, Ohio (CMH) to Midland, Texas (MAF). I identified no direct flights from CMH to MAF. Attached hereto as **Exhibit 50** is a true and correct copy of these search results (last accessed July 9, 2024).

52.   Attached hereto as **Exhibit 51** is a true and correct copy of a Docket Navigator report showing the median time to trial in NDCA from January 1, 2010 to July 1, 2024 was 28

months (last accessed July 9, 2024).

53.   Attached hereto as **Exhibit 52** is a true and correct copy of a Docket Navigator report showing the median time to trial in NDCA from January 1, 2010 to July 1, 2024 was 25 months (last accessed July 9, 2024).

54.   Attached hereto as **Exhibit 53** is a true and correct copy of a Docket Navigator report showing the number of patent cases filed in or assigned to Midland and the number of patent trials in Midland (last accessed July 9, 2024).

55.   I performed a search for flights from Seattle–Tacoma International Airport (SEA) to San Francisco International Airport (SFO). I identified multiple direct flights from SEA to SFO. The fastest flight I identified had a posted travel time of 2 hours, 13 minutes. Attached hereto as **Exhibit 54** is a true and correct copy of these search results (last accessed July 10, 2024).

56.   I performed a search for flights from Seattle–Tacoma International Airport (SEA) to Midland, Texas (MAF). I identified no direct flights from SEA to MAF. The fastest flight I identified had a posted travel time of 5 hours, 27 minutes. Attached hereto as **Exhibit 55** is a true and correct copy of these search results (last accessed July 10, 2024).

I declare under penalty of perjury that to the best of my knowledge the foregoing is true and correct. Executed on July 10, 2024 in Washington, DC.

                                        /s/ Deepa Acharya

-2-

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify

that, on July 10, 2024, I electronically filed the foregoing document using the CM/ECF system

which will send notification of such filing to counsel for all parties of record.

Dated: July 10, 2024   */s/ Katharine L. Carmona*
                                               Katharine Lee Carmona